PTO/SB/21 (02-04)

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TRANSMITTA]	L
FORM	

(to be used for all correspondence after initial filing)

17

Total Number of Pages in This Submission

	Application Number	10/754,445
	Filing Date	January 9, 2004
	First Named Inventor	Robert A. Ganz
Art Unit		3739
	Examiner Name	Peter J. Vrettakos
	Attorney Docket Number	28791-702.502

(Not in	nclude references)						
ENCLOSURES (Check all that apply)							
Fee Trans	smittal Form		Drawing	g(s)		After Allowance communication to Technology Center (TC)	
☐ Fee	e Attached		Licensin	g-related Papers		Appeal Communication to Board of Appeals and Interferences	
Amendm	ent/Reply		Petition			Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)	
Af	ter Final			to Convert to a nal Application		Proprietary Information	
Af	fidavits/declaration(s)			f Attorney, Revocation of Correspondence Address		Status Letter	
Extension	n of Time Request		Termina	l Disclaimer		Other Enclosure(s) (please identify below): 1. Return receipt postcard	
Express Abandonment Request			Request	for Refund		2. PTO/SB/08	
Information Disclosure Statement			CD, Nu	nber of CD(s)		3. Copies of 44 references	
Documer Response Incomple	Copy of Priority  nt(s)  e to Missing Parts/ ete Application  sponse to Missing Parts  der 37 CFR 1.52 or 1.53		of \$180.0	0 is authorized to be charged to 1 2) for filing of the Supplemental	-	i Account No. 23-2415 (Docket No.	
	SIGNA	TURE	OF APP	LICANT, ATTORNEY OR AC	GENT		
Firm or Individual name	or Steven G. Bacsi, Reg. No.: 50,736, WILSON SONSINI GOODRICH & ROSATI						
Signature	Mines	2, 6	Di	uril			
Date	June 19, 2006				_		

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as Express Mail, EXPRESS MAIL LABEL NO.: EV 711415802 US in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Date June 19, 2006

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ITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Robert A. Ganz, et al.

Serial Number: 10/754,445

Filing Date: January 9, 2004

Title: SYSTEM AND METHOD FOR

TREATING ABNORMAL EPITHELIUM

IN AN ESOPHAGUS

Group Art Unit: 3739

Examiner: Peter J. Vrettakos

**CONFIRMATION NO: 7989** 

FILED BY EXPRESS MAIL ON: June 19, 2006 EXPRESS MAIL LABEL NO.:EV 711415802 US

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form PTO/SB/08. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form PTO/SB/08 in accordance with MPEP §609.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

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Α.	because:	R §1.97	(b). This Information Disclosure Statement should be considered by the Office
		(1)	It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);
			OR
		(2)	It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;
			OR
		(3)	It is being filed before the mailing of a first Office action on the merits;
			OR
		(4)	It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
В.	specified in office action	37 CF on under ecution (	c). Although this Information Disclosure Statement is being filed after the period $R \ \S 1.97(b)$ , above, it is filed before the mailing date of the earlier of (1) a final $\S 1.113$ , (2) a notice of allowance under $\S 1.311$ , or (3) an action that otherwise on the merits, this Information Disclosure Statement should be considered because y one of:
		a stater	nent as specified in §1.97(e) provided concurrently herewith;
			OR
			f \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the nt of other papers filed together with this statement.
C.	date of the	earlier c	d). Although this Information Disclosure Statement is being filed after the mailing of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, ore payment of the issue fee and should be considered because it is accompanied
		i. a st	atement as specified in §1.97(e);
			AND
			be of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included the payment of other papers filed together with this Statement.
D.	☐ 37 CFR	§1.97(e	e). Statement.
		A state	ment is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);
			AND/OR
		A state	ment is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);
			AND/OR
		informathe cor	of a dated communication from a foreign patent office clearly showing that the ation disclosure statement is being submitted within 3 months of the filing date on inmunication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as and for under MPEP 609.04(b) V.
E.	disclosure s application	statemen that wa	er 37 C.F.R. §1.704(d). Each item of information contained in the information at was first cited in a communication from a foreign patent office in a counterpart is received by an individual designated in § 1.56(c) not more than thirty (30) days of this information disclosure statement. This statement is made pursuant to the

		ts of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term int(s) delay.
F.		R §1.98(a)(2). The content of the Information Disclosure Statement is as follows:
•		Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.
		OR
	$\boxtimes$	Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.
		AND/OR
	$\boxtimes$	Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).
		AND/OR
	$\boxtimes$	Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).
G.	⊠ 37 CFI references.	R §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or
		Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.
		Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.
		OR
		A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows:
		Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.
		DE 3838840 and DE 4303882 were published in German. The English language abstracts and the drawings are sufficient to convey the scope of their disclosure.
		Should the Examiner believe that a complete translation of any of the above mentioned publications is necessary to understand their disclosure, Applicants will endeavor to provide such translations at the Examiner's request.
H.		$R \ \S 1.98(d)$ . Copies of patents, publications and pending U.S. patent applications, or other a specified in 37 C.F.R. $\S 1.98(a)$ are not provided herewith because:
		Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.
		Application in which the information was submitted:
		Information Disclosure Statement(s) filed on:
		AND

The information disclosure statement sparagraphs (a) through (c) of 37 CFR §	submitted in the earlier application complied with 1.98.				
I.  Fee Authorization. The Commissioner is hereby authorized to charge the above-referenced fees of \$180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.28791-702.502).					
•	Respectfully submitted,				
	WILSON SONSINI GOODRICH & ROSATI				
Dated: June 19, 2006	By: Stris & Bruesi				
	Steven G. Bacsi, Reg. No.: 50,736				
650 Page Mill Road	•				

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Peter J. Vrettakos

28791-702.502

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	Complete if Known						
Substitute for form 1449/PTO	Application Number	10/754,445					
INFORMATION DISCLOSURE	Filing Date	January 9, 2004					
STATEMENT BY APPLICANT	First Named Inventor	Robert A. Ganz					
(Use as many sheets as necessary)	Art Unit	3739					

**Examiner Name** 

Attorney Docket Number

Of

12

U.S. PATENT DOCUMENTS						
Examiner Cite Initials* No.1		Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		US 2006/0095032	05-04-2006	Jackson, et al.		
		US 1,798,902	03-31-1931	Raney	· <del>_</del> _	
•		US 3,517,128	06-23-1970	Hines		
		US 3,901,241	08-26-1975	Allen, Jr.		
		US 4,011,872	03-15-1977	Komiya		
		US 4,196,724	04-08-1980	Wirt, et al.		
		US 4,411,266	10-25-1983	Cosman		
		US 4,423,812	01-03-1984	Sato :		
•		US 4,532,924	08-06-1985	Auth, et al.		
		US 4,565,200	01-21-1986	Cosman		
		US 4,676,258	06-30-1987	Inokuchi, et al.		
		US 4,705,041	11-10-1987	Kim		
		US 4,740,207	04-26-1988	Kreamer, J.		
		US 4,887,614	12-19-1989	Shirakami, et al.		
		US 4,901,737	02-20-1990	Toone		
		US 4,906,203	03-07-1990	Margrave, et al.		
		US 4,907,589	03-13-1990	Cosman		
		US 4,930,521	06-05-1990	Metzger, et al.		
		US 4,943,290	07-24-1990	Rexroth, et al.		
		US 4,947,842	08-14-1990	Marchosky, et al.		
		US 4,966,597	10-30-1990	Cosman .		
		US 4,969,890	11-13-1990	Sugita, et al.		
		US 4,976,711	12-11-1990	Parins, et al.		
		US 4,998,539	03-12-1991	Delsanti, G.		

Examiner	Date
Signature	Considered

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 'Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 'For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 'Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 'Applicant is to place a check mark here if English language Translation is attached.

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				Con	mplete if Known
Substitute for form 1449/PTO				Application Number	10/754,445
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			LOSURE	Filing Date	January 9, 2004
				First Named Inventor	Robert A. Ganz
(Use as	(Use as many sheets as necessary)			Art Unit	3739
				Examiner Name	Peter J. Vrettakos
Sheet	2	Of	12	Attorney Docket Number	28791-702.502

U.S. PATENT DOCUMENTS						
Examiner Cite Initials* No.		Document Number  Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevan Figures Appear	
		US 5,019,075	05-28-1991	Spears, et al.		
		US 5,046,512	09-10-1991	Murchie		
·		US 5,047,028	09-10-1991	Qian .		
		US 5,057,107	10-15-1991	Parins, et al.		
		US 5,078,717	01-07-1992	Parins, et al.		
		US 5,083,565	01-28-1992	Parins		
		US 5,084,044	01-28-1992	Quint		
		US 5,088,979	02-18-1992	Filipi, et al.		
		US 5,094,233	03-10-1992	Brennan		
		US 5,100,423	03-31-1992	Fearnot		
		US 5,106,360	04-21-1992	Ishiwara, et al.		
В	·	US 5,122,137	06-16-1992	Lennox		
		US 5,125,928	06-30-1992	Parins, et al.		
		US 5,156,151	10-20-1992	Imran		
		US 5,190,541	03-02-1993	Abele, et al.		
		US 5,192,297	03-09-1993	Hull, V.		
		US 5,197,963	03-30-1993	Parins		
		US 5,197,964	03-30-1993	Parins		
		US 5,205,287	04-27-1993	Erbel, et al.		
		US 5,215,103	06-01-1993	Desai	• •	
		US 5,232,444	08-03-1993	Just, et al.		
		US 5,236,413	08-17-1993	Fiering		
		US 5,242,441	09-07-1993	Avitall		
		US 5,254,126	10-10-1993	Filipi, et al.		

Examiner		Date	•
Signature	•	Considered	·

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional). 'See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 'Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 'For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 'Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 'Applicant is to place a check mark here if English language Translation is attached.

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				First Named Inventor	Robert A. Ganz
			essary)	Art Unit	3739
		Examiner Name	Peter J. Vrettakos		
Sheet	3	Of	12	Attorney Docket Number	28791-702.502

		U.S. P.	ATENT DOC	UMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	!	US 5,256,138	10-26-1993	Vurek, et al.	
		US 5,257,451	11-02-1993	Edwards, et al.	
		US 5,263,493	11-23-1993	Avitall	
		US 5,275,162	01-04-1994	Edwards, et al.	
		US 5,275,169	01-04-1994	Afromowitz et al.	
	·	US 5,275,608	01-04-1994	Forman, et al.	
		US 5,275,610	01-04-1994	Eberbach	
		US 5,281,216	01-25-1994	Klicek	
		US 5,281,217	01-25-1994	Edwards, et al.	•
		US 5,281,218	01-25-1994	Imran	0
		US 5,290,286	03-01-1994	Parins	
		US 5,292,321	03-08-1994	Lee	
		US 5,293,869	03-15-1994	Edwards, et al.	
		US 5,305,696	07-30-1991	Rydell	
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		US 5,313,943	05-24-1994	Houser, et al.	
		US 5,314,466	05-24-1994	Stern, et al.	
		US 5,324,284	06-28-1994	Imran	
		US 5,328,467	07-12-1994	Edwards, et al.	
		US 5,334,196	08-02-1994	Scott, et al.	
		US 5,345,936	09-13-1994	Pomeranz, et al.	
		US 5,348,554	09-20-1994	Imran, et al.	
		US 5,363,861	11-15-1994	Edwards, et al.	
		US 5,365,926	11-22-1994	Desai	

Examiner	Date
Signature	Considered

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	Examiner Name	Peter J. Vrettakos	

Attorney Docket Number

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12

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Sheet

		U.S. P.	ATENT DOC	UMENTS	
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		US 5,365,945	11-22-1994	Halstrom	
		US 5,366,490	11-22-1994	Edwards, et al.	
		US 5,368,557	11-29-1994	Nita, et al.	
		US 5,368,592	11-29-1994	Stern, et al.	
		US 5,370,675	12-06-1994	Edwards, et al.	
		US 5,370,678	12-06-1994	Edwards, et al.	
		US 5,383,876	01-24-1995	Nardella	
		US 5,383,917	01-24-1995	Desai, et al.	
		US 5,385,544	01-31-1995	Edwards, et al.	
		US 5,397,339	03-14-1995	Desai	
		US 5,398,683	03-21-1995	Edwards, et al.	
		US 5,401,272	03-28-1995	Perkins .	
-		US 5,403,311	04-04-1995	Abele, et al.	
		US 5,409,453	04-25-1995	Lundquist, et al.	•
		US 5,409,483	04-25-1995	Campbell, et al.	
		US 5,415,657	05-16-1995	Taymor-Luia	
		US 5,416,020	05-31-1994	Truffer	
		US 5,421,819	06-06-1995	Edwards, et al.	
		US 5,423,808	06-13-1995	Edwards, et al.	
		US 5,423,811	06-13-1995	Ellman, et al.	
		US 5,423,812	06-13-1995	Ellman, et al.	
		US 5,433,739	07-18-1995	Sluijter, et al.	
		US 5,435,805	07-25-1995	Edwards	
	ľ	US 5,441,499	08-15-1995	Fritzsch	

Examiner	Date	
Signature	Considered	

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Substitute for form 1449/PTO INFORMATION DISCLOSURE				Application Number	10/754,445	
			LOSURE	Filing Date	January 9, 2004	
	STATEMENT BY APPLICANT			First Named Inventor	Robert A. Ganz	
(Use as	s many shee	ts as ne	cessary)	Art Unit	3739	
		Examiner Name	Peter J. Vrettakos			
Sheet	5	Of	12	Attorney Docket Number	28791-702.502	

		U.S. P	ATENT DOC	UMENTS	
Examiner Initials*	Cite No. <sup>1</sup>	Document Number  Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US 5,454,782	10-03-1995	Perkins	• 100
		US 5,456,662	10-10-1995	Edwards, et al.	
		US 5,458,596	10-17-1995	Lax, et al.	
		US 5,458,597	10-17-1995	Edwards, et al.	
		US 5,462,545	10-31-1995	Wang et al.	
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		US 5,536,267	07-16-1996	Edwards, et al.	

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Signature	Con	onsidered

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Sheet	6	Of	12	Attorney Docket Number	28791-702.502	

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		US 5,823,197	10-01-1998	Edwards	
		US 5,830,213	11-01-1998	Panescu, et al.	
		US 5,842,984	12-01-1998	Avitall	

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			Examiner Name	Peter J. Vrettakos		
Sheet	7	Of	12	Attorney Docket Number	28791-702.502	

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		US 6,964,661 B2	11-15-2005	Rioux, et al.	

		FOREIGN	PATENT DO	<b>DCUMENTS</b>		
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INFORM				Filing Date	January 9, 2004	
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				Examiner Name	Peter J. Vrettakos	
Sheet	8	Of	12	Attorney Docket Number	28791-702.502	

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		DE 3838840 (in German with English abstract)	05-23-1990	Fischer MET GMBH		
		DE 4303882 (in German with English abstract)	08-18-1994	Kernforschungsz Karlsruhe (DE)		
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		WO 94/10925	05-26-1994	American Cardiac Ablation		
		WO 94/21165	09-29-1994	EP Technologies		
		WO 94/21178	09-29-1994	Goldrath Milton H		
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		WO 96/29946	10-03-1996	Univ Nebraska		
		WO 97/04702	02-13-1997	EP Technologies, Inc.		

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		WO 97/06857	02-27-1997	Rita Medical Systems, Inc.			
	ĺ	WO 97/32532	09-12-1997	VNUS Med Tech, Inc.			
	,	WO 97/43971	11-27-1997	Somnus Medical Tech Inc.		•	

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				Examiner Name	Peter J. Vrettakos	
Sheet	10	Of	12	Attorney Docket Number	28791-702.502	

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·		MUGICA, et al. 1987. Direct Diaphragm Stimulation. <i>PACE</i> 10: 252-256.	
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		RICE, et al. 1988. Endoscopic Paranasal Sinus Surgery. Chapter 6, Total Endoscopic Sphenoethmoidectomy. The Technique of Wigand. Raven Press 103-125.	
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UNPUBLISHED PATENT APPLICATIONS						
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>			
		UTLEY, et al., U.S. Patent Application No. 11/286,257, entitled "Precision Ablating Device," filed November 23, 2005 (WSGR Reference No. 28791-707.201)				
		UTLEY, et al., U.S. Patent Application No. 11/286,444, entitled "Precision Ablating Method," filed November 23, 2005 (WSGR Reference No. 28791-707.202)				
		WALLACE, et al., U.S. Patent Application No. 11/275,244 entitled "Auto-Aligning Ablating Device And Method Of Use," filed December 20, 2005, 2005 (WSGR Reference No. 28791-707.501)				
		EDWARDS, et al., U.S. Patent Application No. 11/420,712 entitled "System for Tissue Ablation," filed May 26, 2006, (WSGR Reference No. 28791-710.301)				
		EDWARDS, et al., U.S. Patent Application No. 11/420,714 entitled "Method for Cryogenic Tissue Ablation," filed May 26, 2006, (WSGR Reference No. 28791-710.302)				
		EDWARDS, et al., U.S. Patent Application No. 11/420,719 entitled "Method for Vacuum-Assisted Tissue Ablation," filed May 26, 2006, (WSGR Reference No. 28791-710.303)				

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Substitute for form 1449/PTO INFORMATION DISCLOSURE				Application Number	10/754,445
			LOSURE	Filing Date	January 9, 2004
STATEMENT BY APPLICANT (Use as many sheets as necessary)		First Named Inventor	Robert A. Ganz		
		Art Unit	3739		
		Examiner Name	Peter J. Vrettakos		
Sheet	12	Of	12	Attorney Docket Number	28791-702.502

		UNPUBLISHED PATENT APPLICATIONS	
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		EDWARDS, et al., U.S. Patent Application No. 11/420,722 entitled "Method for Tissue Ablation," filed May 26, 2006, (WSGR Reference No. 28791-710.304)	

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